

STATE OF NORTH CAROLINA

Iredell County

EXHIBIT
AFile No. 24 CVS 327
In The General Court Of Justice
☐ District ☐ Superior Court Division

Name Of Plaintiff

Nathaniel D Rose

Address

151 Waterlynn Ridge Drive, Apt 204

City, State, Zip

Mooresville, NC 28117

VERSUS

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G S. 1A-1, Rules 3 and 4

Name Of Defendant(s)

Mooresville Police Department

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

Mooresville Police Department

2847 Charlotte Hwy

Mooresville, Nc 28117

Name And Address Of Defendant 2

RECEIVED
FEB 02 2024
ENTERED

IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

Nathaniel Rose

151 Waterlynn Ridge Drive

Apt 204

Mooresville, North Carolina 28117

Date Issued

2/1/24

Time

11:43

☒ AM☐ PM

Signature

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ ENDORSEMENT (ASSESS FEE)

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM☐ PM

Signature

☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE	
I certify that this Summons and a copy of the complaint were received and served as follows:	
DEFENDANT 1	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 60px; margin-top: 5px;"> Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with) </div>	
<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 1. <input type="checkbox"/> Other: (type or print name)	Date Accepted Signature
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
DEFENDANT 2	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 60px; margin-top: 5px;"> Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with) </div>	
<input type="checkbox"/> Acceptance of service. Summons and complaint received by: <input type="checkbox"/> Defendant 2. <input type="checkbox"/> Other: (type or print name)	Date Accepted Signature
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
Service Fee Paid \$	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Sheriff (type or print)
Date Of Return	County Of Sheriff

FILED

2024 FEB -1 A 11:44

IREDELL COUNTY, C.S.C.

BY JP

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
IREDELL COUNTY DISTRICT SUPERIOR COURT DIVISION

Nathaniel D. Rose,

151 Water Lynn Drive
 Mooresville, NC

Plaintiff,

v.

Mooresville Police Department,

2847 Charlotte Hwy,
 Mooresville, NC

Defendant.

File Number: 24 CVS 327

CIVIL COMPLAINT

I. INTRODUCTION

1. Plaintiff Nathaniel D. Rose ("Plaintiff") brings this action against the Defendant Mooresville Police Department ("Defendant") for violations of statutory and constitutional rights, specifically related to an incident of wrongful detainment and excessive use of force on December 12, 2023.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to N.C. Gen. Stat. § 7A-240, and venue is proper under N.C. Gen. Stat. § 1-82 as the incident occurred in Iredell County, specifically near the Water Lynn Community Pool.

III. FACTUAL ALLEGATIONS

3. On December 12, 2023, at approximately 6:05 PM EST, Plaintiff was jogging near the Water Lynn Community Pool when he was aggressively approached by officers of the Defendant.

4. Despite showing no threat, officers drew and pointed their weapons at Plaintiff, an excessive and unwarranted action.

5. This incident followed a resolved false swatting call at 136-A Morning Mist Lane, significantly distant from Plaintiff's location, casting doubt on any suspicion directed towards Plaintiff.

6. No description from the swatting call matched Plaintiff, yet he was forcefully detained, showing a clear lack of probable cause.

7. Upon the officers' commands, Plaintiff immediately complied and was still handcuffed and placed in a patrol car, a clear case of excessive force and intimidation without justification.

8. The Plaintiff's detention and the manner in which it was executed by the Defendant's officers constituted a blatant disregard for his constitutional rights, specifically the Fourth Amendment right against unreasonable searches and seizures.

9. Additionally, the Plaintiff suffered physical and emotional distress, as well as damage to personal property, namely the destruction of his Air Pods during the incident.

IV. LEGAL CLAIMS

10. Unlawful Detainment: The Plaintiff asserts that his detainment by the Defendant's officers was unlawful, lacking probable cause, and therefore a violation of N.C. Gen. Stat. §§ 15A-401 and 15A-403.

11. Excessive Use of Force: The Plaintiff alleges that the Defendant's officers used excessive force in violation of N.C. Gen. Stat. § 15A-401(d)(2), which prohibits such force except in specific and justifiable circumstances.

12. Negligence: The Defendant had a duty to train and supervise its officers properly. The Defendant breached this duty, leading to the Plaintiff's harm, constituting negligence under N.C. Gen. Stat. § 153A-246.

13. Violation of Constitutional Rights: The Plaintiff's Fourth Amendment rights were violated during the incident, warranting a declaratory judgment against the Defendant.

V. DAMAGES

14. The Plaintiff seeks compensatory damages for physical and emotional suffering, punitive damages for the egregious conduct of the Defendant's officers, and compensation for the destruction of personal property.

VI. PRAYER FOR RELIEF

15. WHEREFORE, the Plaintiff, Nathaniel D. Rose, demands judgment against the Defendant, Mooresville Police Department, for:


- a. Compensatory damages in the sum of \$100,000 for physical and emotional suffering.
- b. Punitive damages to be determined at trial for the egregious conduct of the Defendant's officers.
- c. Reimbursement of court costs and interest at the legal rate from the date of judgment.
- d. Any further relief that the Court deems just and proper.

VII. JURY DEMAND

16. The Plaintiff demands a trial by jury on all triable issues.

Respectfully submitted this day of February 1, 2024

Signature of Plaintiff,

A handwritten signature in black ink, appearing to read 'NDRose', is written over a horizontal line.

Nathaniel D. Rose


151 Waterlynn Drive

Mooreville, NC 28117

629-235-3003

VERIFICATION

NATHANIEL DAVID ROSE says that he/she is the Plaintiff in this matter, that he /she has read and understood this COMPLAINT and knows the contents to be true of his/her own personal knowledge, except for those matters and things set forth upon information and belief; and as to those matters and things, he/she believes them to be true.



Plaintiff

Sworn to and subscribed before me this 1 day of FEBRUARY, 2024.

Notary Public

My commission expires: _____.